IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINETEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 8715 of 2005

Between:

Nishani Adams, S/o.Later Nishani John,
R/o.1-1-574/1, Golconda X Roads,
Hyderabad.

..... PETITIONER

AND

1 The Commissioner, Municipal Corporation of Hyderabad, Hyderabad.
2 The Chief Engineer, Municipal Corporation of Hyderabad, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ or direction particularly in the nature of mandamus or any other appropriate writ, declaring the action of the respondents in contemplating to demolish or alter the structure of the pandal i.e., old prayer hall situated in the premises of Hebron Church, Golconda X Roads, Musheerabad, Hyderabad as illegal, void, arbitrary and violation of principles of natural justice.

Counsel for the Petitioner: MR.V.R.AVULA

Counsel for the Respondents: MR.RAMA RAO GHANTA

The Court at the stage of admission made the following:

ORDER

This writ petition is filed seeking a declaration that the alleged action of the respondents in contemplating to demolish or alter the structures of the Pandal i.e., old prayer hall situated in the premises of Hebron Church, Golconda X Roads, Musheerabad, Hyderabad as arbitrary and illegal.

The petitioner states that the old prayer hall of Hebron Church was constructed with wooden pillars and AC sheets some years ago to accommodate 1500 devotees to conduct prayers. Subsequently, the said prayer hall was repaired and it was kept as monument in memory of late Bro.Bhakht Singh, the founder of Hebron Church and it was resolved not to allow any meeting inside the prayer hall or conduct prayers whatsoever. Thereafter, a new prayer hall was constructed and prayers are being conducted in the newly constructed prayer hall. It is alleged that in spite of the above steps taken, the respondents are contemplating to demolish the old prayer hall. Hence, this writ petition contending that since the old prayer hall is renovated and the same is not being used for any purpose but is being maintained only as a monument, there is absolutely no justifiable reason in resorting to demolish the same. At any rate, since there was no notice to the petitioner at any point of time, the action of the respondents is liable to be declared as arbitrary and illegal.

Learned standing counsel appearing for the respondent Corporation states that so far no steps have been taken to demolish the old prayer hall of the Church in

question. He also states that if any decision is taken to demolish the said Church, the Corporation will follow the due procedure as prescribed under the provisions of the Hyderabad Municipal Corporation Act, 1955 before taking any steps.

Accordingly, the writ petition is disposed of with a direction to the respondents not to demolish the structures in question, without following the procedure prescribed under the provisions of the Hyderabad Municipal Corporation Act, 1955.

The Writ Petition is accordingly disposed of. No order as to costs.

_____

G. ROHINI, J

Dated: 19-04-2005

LSK

To

1 The Commissioner, Municipal Corporation of Hyderabad, Hyderabad.
2 The Chief Engineer, Municipal Corporation of Hyderabad, Hyderabad.

Two C.D. copies.

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 8715 of 2005

ADVANCE ORDER:

The writ petition is disposed of with a direction to the respondents not to demolish the structures in question, without following the procedure prescribed under the provisions of the Hyderabad Municipal Corporation Act, 1955.

_____

G. ROHINI, J

Dated: 19-04-2005

Note: 1) Issue order by wire at party's costs.

2) After dispatching the wire, this file may pl.be sent to the

Court Masters' Section.

B/o.

LSK